

Appl. No. 09/661,705
Amd. Dated January 20, 2005
Reply to Office Action of 10/20/2004

REMARKS

**Reconsideration And Allowance
Are Respectfully Requested.**

Claims 2, 9, 12-14, 16-18, 21, 26 and 29-35 are currently pending. Claims 2, 9, 26 and 35 have been amended. Claims 1, 3-8, 10, 15, 19, 20, 22-25, 27 and 28 have been canceled. No new matter has been added. Reconsideration is respectfully requested.

With regard to the outstanding rejections, claims 2, 9, 12-14, 16-18, 21, 26, 29, 31, 33 and 35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,295,341 to Kajiwara (Kajiwara). Claims 2, 9, 12-14, 16-18, 21, 26 and 29-35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,731,445 to Hoffman et al (Hoffman). In addition to the rejections under 35 U.S.C. § 102, claims 2, 9, 11-14, 16-18, 21, 26 and 29-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,763,643 to Martensson (Martensson) in view of U.S. Patent No. 4,577,448 to Howorth (Howorth). Finally, claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kajiwara.

With regard to the rejections based upon prior art, Applicant has amended all of the independent claims in an effort to define around the disclosures of Kajiwara, Hoffman, Martensson and Howorth.

In particular, independent claims 2, 9, 26 and 35 have been amended so as to define a multidirectional laminate flooring panel for use in constructing a floor. The flooring panel generally includes a top surface, a bottom surface and a middle substrate located between the top and bottom surfaces. The bottom surface is substantially planar and defines a bottom of a flooring panel that is

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shaped and dimensioned to substantially lie upon a support surface. The flooring panel includes an outwardly tapering channel associated with each edge. The outwardly tapering channel extends substantially parallel to the respective edges of the flooring panel. The channel is formed within the bottom surface and includes a top portion and outwardly tapering walls fully extending from the top portion to the bottom of the flooring panel. The channel, as such, becomes wider as it extends from the bottom portion toward the bottom of the flooring panel to create an opening that is wider at the bottom of the flooring panel than at the top portion of the channel.

With regard to the prior art cited against the previously pending claims, no reference discloses the claimed channel with a top portion and outwardly tapering walls that fully extend from the top portion to the bottom of the flooring panel such that the channel becomes wider as it extends from the top portion toward the bottom of the flooring panel to create an opening which is wider at the bottom of the flooring panel than at the top portion of the channel. As such, the present amendment is believed to overcome the outstanding rejections.

With regard to the application of Kajiwara, the Office Action references element 42 as reading upon the outwardly tapering channel. However, element 42 does not fully extend from the top portion of the channel to the bottom of the flooring panel to create an opening which is wider at the bottom of the flooring panel than at the top portion of the channel. In fact, element 42 does not extend to the bottom of the flooring unit, but rather extends only to the edge profile utilized in conjunction with tongue connector 14 and groove connector 16. As such, the amended claims are believed to overcome the disclosure of Kajiwara and the rejections of the independent claims based upon Kajiwara are believed to be overcome. With regard to those claims dependent upon the

Appl. No. 09/661,705
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independent claims, they are also believed to overcome the disclosure of Kajiwara for the reasons presented above.

With regard to the disclosure of Hoffman, Hoffman also fails to disclose a flooring panel having an outwardly tapering channel which includes a top portion and outwardly tapering walls extending from the top portion to the bottom of the flooring panel such that the channel becomes wider as it extends from the top portion toward the bottom of the flooring panel to create an opening which is wider at the bottom of the flooring panel than at the top portion of the channel. Rather, Hoffman discloses a floor tile with an edge profile that includes a downwardly facing, outwardly tapering portion. The outwardly tapering portion of Hoffman, however, does not extend all the way to the bottom of the floor tile. Rather, it is part of the edge profile of the floor tile and as such really has nothing to do with the bottom of the floor tile. With this in mind, the outwardly tapering portion of Hoffman does not extend fully from the top portion to the bottom of the floor tile and has no opening at the bottom of the floor tile which might be larger than the top portion of the outwardly tapering portion.

With the foregoing in mind, the independent claims are believed to overcome the disclosure of Hoffman and Applicant respectfully requests that the rejections relating to Hoffman be withdrawn. As to those claims dependent upon the independent claims, they are also believed to be allowable over Hoffman for the reasons presented above.

With regard to the rejection based upon Martensson and Howorth, Howorth discloses a modular flooring system employing connecting members securing adjacent flooring panels along their edges. Martensson is concerned with a flooring material having an interlocking edge profile

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and a connecting member. Neither Howorth nor Martensson disclose flooring panels including edges extending about the entire periphery of the flooring panel wherein the edges include identical grooves formed therein. In addition, and as with the disclosures of Kajiwara and Hoffman, neither Martensson nor Howorth disclose channels formed in the bottom surface wherein the channels include a top portion and outwardly tapering walls extending from the top portion to the bottom of the flooring panel such that the channel becomes wider as it extends from the top portion toward the bottom of the flooring panel to create an opening which is wider at the bottom of the flooring panel than at the top portion of the channel.

Rather, and as with Kajiwara and Hoffman, the downwardly facing channels of Howorth and Martensson do not extend all the way to the bottom of the flooring panel and as such fail to meet the limitations of the amended claims. With this in mind, Applicant respectfully requests that the rejection based upon Martensson and Howorth be withdrawn. As to those claims dependent upon the independent claims, they are also believed to overcome the prior art of record for the reasons presented above and Applicant respectfully requests that these rejections also be withdrawn.

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It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicant's representative at the below number.

Respectfully submitted,



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